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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Neil Batavia on January 13, 2008.

The application has been amended as follows:

Claim 1 is replaced with the following claim 1:

1. An interlabial absorbent article configured for disposition primarily within the vestibule of a female wearer, comprising:

- a generally liquid permeable, non-apertured cover sheet comprising a first material;
- a generally liquid impermeable back sheet comprising a second material, said second material different from said first material;
- an absorbent material disposed between said cover sheet and said back sheet;
- wherein said back sheet has a water vapor transmission rate that is at least about 20% of a water vapor transmission rate of said cover sheet, up to a water vapor transmission rate of about 50,000 g/m²-24 hrs;
- wherein said cover sheet and said back sheet have a contact angle mismatch of less than about 25%; and
- wherein upon being flushed, said article has an initial neutral buoyancy and subsequently sinks within about 7 days from being flushed.

Claim 2, line 2: after "24 hrs", — to about 50,000 g/m²-24 hrs— is inserted;

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Claim 4, line 3: after “rate of”, “greater than” is deleted;

Claim 4, line 3: after “about”, “50,000 Mocon value” is deleted, —52,000 g/m²-24 hrs— is inserted; Claim 4, appears to have no upper limit and as such brings undue experimentation to find all materials with values greater than 50000. Same with claim 5

Claim 5, line 2: after "rate of", "at least" is deleted;

Claim 7, line 2: after “about 50,000”, “Mocon value” is deleted, —g/m²-24 hrs— is inserted;

Claim 7, line 3: after “10,000”, “Mocon value” is deleted, —g/m²-24 hrs— is inserted;

Claim 8, line 2: after "density of", "at least" is deleted;

Claim 9, line 2: after "density of", "at least" is deleted;

Claim 12, line 4: after ““30,000 g/m²-24 hrs”, — to about 50,000 g/m²-24 hrs— is inserted;

Claim 12, line 6: after “back sheet”, “having a water vapor transmission rate of at least about 10,000 g/m²-24 hrs, said back sheet” is deleted;

Claim 12, line 9: after “back sheet,”, “said absorbent material having a density greater than 1.0 g/cc” is deleted;

Claim 12, line 11: after “20%”, “of said” is deleted, — to about the same— is inserted;

Claim 14, line 8: after “20%”, “of a” is deleted, — to about the same— is inserted.

Support for these amendments is found in the Specification at ¶¶ 0027, 39, 69, 70, 101, 16].

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2. The following is an examiner's statement of reasons for allowance:

3. the subject matter not found in the prior art is an article comprising a back sheet that is water vapor permeable up to about 20 percent of a cover sheet because back sheets are used in the art to keep fluids within the article and to prevent fluid from leaking through a backsheet onto a garment, a backsheet having a permeability of up to about 20 percent of a cover sheet is no longer used as a back sheet but is used as an additional sheet with a lesser permeable sheet then being used as a backsheet between more permeable sheet and the garment of a wearer.

Prior art sheets having a WVTR as high as 20% of the permeability of a cover sheet were not used as back sheets because they don't retain fluids within the article and the article then leaks fluid onto the garment of the wearer. The configuration of an article comprising absorbent material between a back sheet having the claimed permeability does not appear to be disclosed or suggested in the prior art because then such a sheet was not used as a back sheet but rather as an intermediate "breathable" sheet with an actual impermeable back sheet placed against the garment.

4. This feature is recited in combination with the limitations of a non-apertured cover sheet and back sheet materials having a contact angle mismatch up to about 25% in combination with the backsheet having a water vapor transmission rate that is at least about 20% of the water vapor transmission rate as the cover sheet to about 50,000 g/m²-24 hrs wherein the sheets comprise different materials and further in combination with an absorbent material disposed between the cover sheet and back sheet such that the article sinks within about seven days from being flushed.

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5. The closest prior art of record teaches articles having cover sheets and back sheets comprised of the same materials and having the same contact angles and the same water vapor transmission rates, and teaches the material can be apertured to provide a different water vapor transmission rates for use as cover sheets having water vapor transmission rates of about 50 g/m²-24 hrs, and the same material can be non-apertured to provide back sheets having water vapor transmission rates of less than 20% of the cover sheets. The prior art teaches articles having different materials for the cover sheets and back sheets and thus different contact angles and different water vapor transmission rates.

6. Thus the prior art of record does not teach or fairly suggest articles comprising cover sheets and back sheets comprised of different materials and having the same ranges of contact angles and water vapor transmission rates in combination with the articles having absorbent material disposed between the cover and back sheets and further in combination with the article sinking within seven days from being flushed, as now specifically recited in independent claims 1, 12 and 14. This combinations of features render the claimed invention non-obvious over the prior art of record. Claims 2-11, 13 and 15-16 are allowable as dependent from independent claims 1, 12 and 14 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571)272-4934.

The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ginger T Chapman/
Examiner, Art Unit 3761
01/14/09

/Tatyana Zalukaeva/
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